

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1.

REMARKS

Claims 4-9 are pending in the present application. It is respectfully submitted that this Response is fully responsive to the Office Action dated September 18, 2007.

Applicants appreciate the courtesies extended by Examiner Self during the telephone interviews conducted on December 18, 2007 and February 14, 2008. The subject matter of each of these interviews is incorporated in the below remarks.

Claim Rejections - 35 U.S.C. §112

The Examiner rejected claims 4-8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserted:

[W]ith regard to claim 4, line 10, states, "a support frame", however line 3 positively recited a frame. Is the "support frame" recited in line 8, the same as the frame recited in line 3? If not, how do these elements interrelate? If so, the Examiner suggests, --said frame--.

If the frame and the support frame are not operably connected, neither the originally filed specification nor the drawings provide support for plural embodiments, i.e. both frame and support frame integral or operably connected and an embodiment wherein the frame and support frame are not integral or operably connected. Clarification is required.

Applicants respectfully disagree with the Examiner's rationale for this §112 rejection and respectfully request reconsideration in view of the following remarks.

First, the support frame recited in line 10 is not the same as the frame recited in line 3. Instead, the support frame and frame are frames that support elements of the claimed log

centering apparatus. The log centering apparatus illustrated and described in the present application comprises two frames: a support frame 10 **and** a frame (unillustrated). *See*, Pages 10 and 11 of the specification describe each frame in greater detail. Thus, the support frame recited in line 8 of claim 4 is NOT the same as the frame recited in line 3.

Furthermore, Applicants submit that claim 4 is not indefinite because it apprises one of ordinary skill in the art of its scope (e.g., that the log centering apparatus comprises a frame **and** a support frame), thereby serving the notice function required by 35 U.S.C. 112, second paragraph. *See, e.g., Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379, 55 USPQ2d 1279, 1283 (Fed. Cir. 2000). *See also In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001) (The preamble of the *Larsen* claim recited only a hanger and a loop but the body of the claim positively recited a linear member. The court observed that the totality of all the limitations of the claim and their interaction with each other must be considered to ascertain the inventor's contribution to the art. Upon review of the claim in its entirety, the court concluded that the claim at issue apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112 paragraph 2.). *See also Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004) ("The requirement to 'distinctly' claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles....Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite.").

Furthermore, Applicants submit that the following limitation on lines 22-27 of claim 4, describes how the frame (unillustrated) and support frame 10 are operably connected in the present invention:

a centering computation mechanism for calculating optimum yield axis suitable for the peeling of the log based on a detection signal supplied from the rotation angle detectors and contour data supplied from the beam reflection scanners, and for calculating a maximum radius of rotation of the log that corresponds to the optimum yield axis based on contour data supplied from the swing angle detectors in addition to the detection signal from the rotation angle detector and the contour data from the beam reflection scanners.

Thus, Applicants submit that the scanners, detection members, and detectors (mounted on the support frame) and the actuator mechanism (located on the main frame) are operably connected, in part, by the computation mechanism. Applicants' position is supported by the written description: "The centering calculation mechanism 21 calculates a maximum radius of rotation that corresponds to the optimum yield axis based on the contour data provided by the swing-angle detectors 15, as well as the detection signals from the rotation angle detector 6 and the contour data from the distance detectors 8. The resultant data concerning the optimum yield axis and the maximum radius of rotation that have been calculated is transmitted to a control mechanism 22 that controls the operation of a knife carriage transport mechanism 23 and a log transport mechanism 24...in a conventional manner." See page 12 of the specification.

Accordingly, Applicants request that the 35 U.S.C. §112, second paragraph, rejection of claims 4-9 be withdrawn.

Furthermore, Applicants submit that a drawing specifically identifying the frame (unillustrated) is not necessary. For instance, when a claim element (such as a "frame") is well

known and its functionality and definition can be well understood from the specifications (e.g., pages 10 and 11) it is not necessary to represent the element in the drawings. See, 35 U.S.C. 113 (The applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented.) As discussed above, Applicants submit that drawings are not necessary for the understanding of the subject matter to be patented in the present application.

However, to expedite prosecution and clarify the subject matter of the claimed invention, Applicants hereby replace Fig. 1 with a new drawing illustrating frame 58, which was previously unillustrated. Applicants also amend the specification so that it is consistent with replacement Fig. 1.

Allowable Subject Matter

Applicants appreciate the Examiner acknowledged that Claims 7-9 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims and if any 35 U.S.C. §112 rejections were overcome. However, in view of the aforementioned remarks, Applicants submit that claims 7-9 should be allowed in their present form.

Conclusion

In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

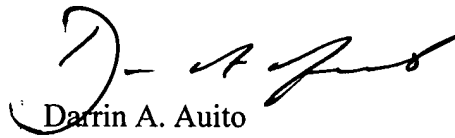
Application No. 10/827,311
Attorney Docket No. 042348

Amendment under 37 C.F.R. §1.111

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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